

Mafadi Solar Power Plant Project: Comments and Response Report (Appendix C7)

**Comments received during the 30-day review and commenting period of the Draft Scoping Report**

Organisation	Person	Issue or comment raised (see Appendix C5 & C6 of the Final Scoping report)	Addressing or incorporation of issue or comment
Department of Forestry Fisheries and the Environment (DFFE)	Ms. Nyiko Nkosi	<p>In a letter dated 25 January the following comments were issued by the DFFE on the draft scoping report:</p> <p><b>COMMENTS ON THE DRAFT SCOPING REPORT FOR THE PROPOSED MAFADI SOLAR POWER PLANT NEAR LOUIS TRICHARDT, LIMPOPO PROVINCE</b></p> <p>The Application for Environmental Authorisation and Draft Scoping Report (SR) dated 09 December 2022 and received by the Department on 12 December 2022, refer.</p>	The comments submitted by the Department of Forestry, Fisheries and the Environment on the draft Scoping Report are noted. Responses to the comments and requirements raised by the Department are provided below.
		<p><b>(a) <u>Listed Activities</u></b></p> <p>(i) The activities applied for in the application form differ from those mentioned in the draft SR. Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description.</p>	The listed activities included in the final Scoping Report and the Amended Application for Environmental Authorisation are correct and includes specific details which are relevant to the project.
		<p>(ii) If the activities applied for in the application form differ from those mentioned in the final SR, an amended application form must be submitted. Please note that the Department's application form template has been amended and can be downloaded from the following link: <a href="https://www.environment.gov.za/documents/forms">https://www.environment.gov.za/documents/forms</a>.</p>	The listed activities included in the Application for Environmental Authorisation and the final Scoping Report differ slightly and therefore an amended Application for Environmental Authorisation has been submitted to the

			Department with the submission of the final Scoping Report.
		<p><b><u>(b) Layout &amp; Sensitivity Maps</u></b></p> <p>(i) The final SR must provide coordinate points for the proposed development site (note that if the site has numerous bend points, at each bend point coordinates must be provided) as well as the start, middle and end point of all linear activities.</p>	<p>The coordinate points for the development site and linear activities have been included in Section 2 and Table 2.4 of the final SR.</p> <p>The coordinates were also included as Section 2 and Table 2.4 of the Draft SR submitted to the DFFE and I&amp;APs for the 30-day review and commenting period.</p>
		<p>(ii) The final SR must provide the technical details of the proposed facility in a table format as well as their description and/or dimensions.</p>	<p>The technical details for the proposed facility have been included under Section 2, Table 2.3 of the Final SR.</p> <p>The technical details were also included in Section 2. Table 2.3 of the Draft SR submitted to the DFFE and I&amp;APs for the 30-day review and commenting period.</p>

		<p>(iii) Please provide a layout map which indicates the following:</p> <ul style="list-style-type: none"> <li>a) The envisioned area for the solar facility, i.e., placing of panels and all associated infrastructure;</li> <li>b) The pre-negotiated route which indicates the location of each pylon.</li> <li>c) All supporting onsite infrastructure e.g., roads (existing and proposed);</li> <li>d) All necessary details regarding all possible locations and sizes of the infrastructure.</li> <li>e) All existing infrastructure on the site, especially internal road infrastructure.</li> <li>f) The location of sensitive environmental features on site e.g., CBAs, heritage sites, wetlands, drainage lines etc. that will be affected;</li> <li>g) Buffer areas; and,</li> <li>h) All “no-go” areas</li> <li>i) The above layout map must be overlain with the sensitivity map and a cumulative map which shows neighbouring energy developments and existing grid infrastructure.</li> <li>j) Google maps will not be accepted</li> </ul>	<p>The final layout of the facility will only be available for the Draft EIR phase of the assessment. The draft layout map has been included in the Final SR as Figure I1 and Figure I2. The layout map was also included in the Draft SR submitted to the Department and I&amp;APs for the 30-day review and commenting period. At the current stage of the project, the locations of the pylons associated with the grid connection route cannot be determined. These will only be determined during the micro-siting of the site before construction and with final walkthroughs.</p> <p>Environmental sensitivity maps have been included as Figures H1 -H5 of the Final SR. The environmental sensitivity map was also included in the Draft SR submitted to the Department and I&amp;APs for the 30-day review and commenting period.</p> <p>An environmental sensitivity, cumulative and layout map has been included as Figure H6 of the Final SR.</p> <p>The maps provided in the Final SR has been produced using ArcGIS mapping software.</p> <p>The maps included in the Draft SR submitted to the Department and I&amp;APs for the 30-day</p>
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			review and commenting period were also produced using the ArcGIS mapping software.
		<p><b><u>d) Public Participation Process</u></b></p> <p>(i) Please ensure that all issues raised and comments received during the circulation of the SR from registered I&amp;APs and organs of state which have jurisdiction (including this Department's Biodiversity Section) in respect of the proposed activity are adequately addressed in the Final SR. Proof of correspondence with the various stakeholders must be included in the Final SR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 &amp; 44 of the EIA Regulations 2014, as amended.</p>	<p>All issues raised and comments received during the circulation of the Draft SR from registered Interested and Affected Parties (I&amp;APs) and organs of state (including this Department's Biodiversity Directorate), as listed in the I&amp;APs Database (Appendix C3), and others that have jurisdiction in respect of the proposed activity have been adequately addressed and included in the final SR. Please refer to Appendix C5 for proof of correspondence and Appendix C7 for written comments received.</p> <p>All comments received have been addressed in this Comments and Responses Report included as Appendix C6 of the Final SR, and the final SR has been updated accordingly (where relevant).</p> <p>Comments have been obtained from the DFFE: Biodiversity Conservation Directorate. Please refer to Appendix C5 for proof of</p>

			<p>correspondence and Appendix C7 for the written comments received.</p> <p>The comments from the DFFE: Biodiversity Conservation Directorate have been addressed in this Comments and Responses Report submitted to the Department as Appendix C6 of the Final SR.</p> <p>Proof of correspondence with the various stakeholders have been included in the Final SR under Appendix C5. Proof of attempts to obtain comments have also been included under Appendix C5 of the Final SR. Proof of written notice of the availability of the Draft SR for comment has been included in Appendix C7.</p> <p>Proof of written notification of the availability of the Draft SR for comment was also included in Appendix C5 of the Draft SR submitted to the Department for the 30-review and commenting period.</p> <p>The Public Participation process has been undertaken in line with Regulation 39, 40 41, 42, 43 &amp; 44 of the EIA Regulations 2014, as amended.</p>
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		<p>(ii) A comments and response trail report (C&amp;R) must be submitted with the final SR. The C&amp;R report must incorporate all historical comments for this development. The C&amp;R report must be a separate document from the main report and the format must be in the table format as indicated in Annexure 1 of this comments letter. Please refrain from summarising comments made by I&amp;APs. All comments from I&amp;APs must be copied verbatim and responded to clearly. Please note that a response such as “Noted” is not regarded as an adequate response to I&amp;APs’ comments.</p>	<p>A comments and responses trail report (C&amp;R) has been included in the Final SR. The report incorporates all historical comments from the development, as well as all comments received during the 30-day review and commenting period of the Draft Scoping Report.</p> <p>The Comments and Responses Report has been included in the Final SR as a separate document under Appendix C6 and is structured in a table format.</p> <p>Comments from I&amp;APS have been copied verbatim and responded to adequately. No responses such as “noted” are provided.</p>
		<p>(iii) The final SR must provide evidence that all identified and relevant competent authorities have been given an opportunity to comment on the proposed development.</p>	<p>Proof of correspondence with the various stakeholders have been included in the Final SR under Appendix C5. Proof of attempts to obtain comments have also been included under Appendix C5 of the Final SR. Proof of written notice of the availability of the Draft SR for comment has been included in Appendix C5.</p>

		<p><b><u>(d) Specialist assessments:</u></b></p> <p>(a) A detailed description of the study's methodology; indication of the locations and descriptions of the development footprint, and all other associated infrastructures that they have assessed and are recommending for authorisation.</p>	<p>All specialist study reports conducted for the project includes a detailed description of the methodology used for the respective studies. The specialist studies are included under Appendix E of the final SR. The specialist reports also include an indication of the project description in terms of what is being proposed and what has been assessed within the respective specialist studies.</p>
		<p>(b) Provide a detailed description of all limitations to the studies. All specialist studies must be conducted in the right season and providing that as a limitation will not be allowed.</p>	<p>All specialist assessments and reports include a detailed description of all limitations associated with the respective studies. The specialist studies are included under Appendix E of the final SR.</p>
		<p>(c) Should the specialist definition of 'no-go' area differ from the Department's definition; this must be clearly indicated. The specialist must also indicate the 'no-go' area's buffer if applicable.</p>	<p>The definition of 'no-go' areas within the specialist reports corresponds with the Department's definition.</p>
		<p>(d) All specialist studies must be final, and provide detailed/practical mitigation measures for the preferred alternative and recommendations, and must not recommend further studies to be completed post EA.</p>	<p>All specialist studies submitted along with the Draft Environmental Impact Assessment Report will be final and practical/detailed mitigation measures and recommendations for the preferred alternative have been included in the specialist studies. No further studies have been recommended post EA. The specialist studies are included under Appendix E of the final SR.</p>

		(e) Bird specialist studies must have support from Birdlife South Africa.	<p>The Avifauna Assessment included under Appendix E2 of the Final Scoping report have been conducted according to the guidelines and principles for Avifaunal Impact Assessments within the context of Solar Energy Facility (SEFs) as outlined by BirdLife South Africa (2017).</p> <p>BirdLife South Africa have also been included as an I&amp;AP and were provided the opportunity to comment on the Draft SR. Please refer to Appendix C4 for the List of I&amp;APs and Appendix C5 for proof of correspondence.</p>
		(i) Should a specialist recommend specific mitigation measures, these must be clearly indicated.	The specific mitigation measures provided the specialists are included under Section 6.2 of the final SR. These mitigation measures will be included in the Facility EMPR, Power Line and Substation Generic EMPRs to be submitted with the Draft Environmental Impact Report.
		(ii) Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expert advice.	No contradicting recommendations have been made by specialists.



		<p>(iii) It is further brought to your attention that Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation, which were promulgated in Government Notice No. 320 of 20 March 2020 (i.e. “the Protocols”), and in Government Notice No. 1150 of 30 October 2020 (i.e. protocols for terrestrial plant and animal species), have come into effect. Please note that specialist assessments must be conducted in accordance with these protocols.</p>	<p>The Procedures for Assessment and Minimum Criteria for reporting as identified for the Environmental themes have been adhered to.</p> <p>All commissioned specialist assessments are in accordance with the protocols, where relevant. Please refer to the specialist studies included as Appendix E for reference.</p>
		<p>(iv) Please ensure that all mitigation recommendations are in line with applicable and most recent guidelines.</p>	<p>All commissioned specialist assessments and mitigation recommendations are in accordance with the latest protocols and most recent guideline, where relevant. Please refer to the specialist studies included as Appendix E for reference.</p>
		<p>(v) As such, the Specialist Declaration of Interest forms must also indicate the scientific organisation registration/member number and status of registration/membership for each specialist. A valid SACNASP certificate and CV must be submitted.</p>	<p>The Specialist Declaration of Interest forms indicates the scientific organisation registration/member number and status of registration/membership for each specialist where registration is required. The specialist declaration of interest forms are included under Appendix E. The specialists have included Curriculum Vitae in their respective reports (Appendix E) which indicates their relevant registration to professional bodies. All studies which require SACNASP registration</p>

			have been conducted by SACNASP registered specialists
		(vi) The Department has noted that some specialist studies conducted does not comply with requirement of protocols as identified by the Screening tool. These protocols requires that the Prior to commencing with a specialist assessment, the current use of the land and the environmental sensitivity of the site under consideration, identified by the screening tool, must be confirmed by undertaking a site sensitivity verification. Please ensure that the specialist studies or compliance statements submitted in the SR include the Site Sensitivity Verification Report.	All final studies to be submitted with the Draft EIR will comply with the requirements of the protocols.
		(vii) Summary and recommendations of all specialist studies conducted must be included in the Scoping Report and generic EMPr.	The final SR includes summaries of the specialist studies in Section 5 and Section 8 of the report. The Generic EMPr will be submitted with the Draft EIR.
		(viii) Please ensure that the SR indicate any recommendations of the EAP or specialists, which are to be included as conditions of authorisation.	The final SR indicates recommendations from the EAP in section 8 of the report. The Draft EIR will include conditions of authorisation.

		<p><b><u>Generic EMPr</u></b></p> <p>It is drawn to your attention that for overhead electricity transmission and distribution infrastructure, when such facilities trigger activity 11 or 47 of the Environmental Impact Assessment Regulations Listing Notice 1 of 2014, as amended, and any other listed and specified activities necessary for the realisation of such facilities, the generic Environmental Management Programme, contemplated in Regulations 19(4) must be used and submitted with the final report over and above the EMPr submitted with the SR.</p> <p>Please ensure that Part B, Section 2 must also be completed. ii. Please ensure that any specific mitigation measures identified in the SR and specialist reports for the proposed power plant are incorporated into the generic EMPr.</p> <p><b>(a)</b></p>	<p>Generic EMPrs for the power line and for the on-site substation will be submitted to the Department and I&amp;APs for review and comment as part of the EIA Report, should the Department provide Acceptance of Scoping for the project.</p>
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		<p><b><u>Cumulative Assessment</u></b></p> <p>Should there be any other similar projects within a 30km radius of the proposed development site, the cumulative impact assessment for all identified and assessed impacts must be refined to indicate the following:</p> <ul style="list-style-type: none"> <li>• Identified cumulative impacts must be clearly defined, and where possible the size of the identified impact must be quantified and indicated, i.e. hectares of cumulatively transformed land.</li> <li>• Detailed process flow and proof must be provided, to indicate how the specialist's recommendations, mitigation measures and conclusions from the various similar developments in the area were taken into consideration in the assessment of cumulative impacts and when the conclusion and mitigation measures were drafted for this project.</li> <li>• The cumulative impacts significance rating must also inform the need and desirability of the proposed development.</li> <li>• A cumulative impact environmental statement on whether the proposed development must proceed.</li> </ul>	<p>The requirements of the DFFE for the cumulative assessment to be conducted in the EIA phase of the project are noted. All independent specialists will also be informed of these requirements and the independent specialist studies to be included as part of the EIA report for the project will be in-line with these requirements. The EIA Report for the project will also cover these requirements in order to ensure compliance.</p> <p>It must be noted that the Scoping Report covers these requirements in Section 7 of the report.</p>
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		<p><b><u>(g) General</u></b></p> <p>You are further reminded to comply with Regulation 21(1) of the NEMA EIA Regulations 2014, as amended, which states that:</p> <p><i>“If S&amp;EIR must be applied to an application, the applicant must, within 44 days of receipt of the application by the competent authority, submit to the competent authority a scoping report which has been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority”</i></p>	<p>The submission of the final Scoping Report to the DFFE is in line with and falls within the prescribed timeframe of Regulation 21(1) of the NEMA EIA Regulations 2014, as amended.</p>
		<p>You are further reminded that the final SR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of Scoping reports in accordance with Appendix 2 and Regulation 21(1) of the EIA Regulations 2014, as amended.</p>	<p>The final Scoping Report submitted to the DFFE complied with the requirements of Appendix 2 and Regulation 21(1) of the EIA Regulations 2014, as amended.</p>
		<p>Further note that in terms of Regulation 45 of the EIA Regulations 2014, as amended, this application will lapse if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7).</p>	<p>The submission of the final Scoping Report to the DFFE is still within the prescribed timeframe of the EIA Regulations.</p>
		<p>You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.</p>	<p>It is noted and acknowledged by the Applicant that no activity may commence prior to obtaining an Environmental Authorisation.</p>

<p>Department of Forestry, Fisheries and the Environment Directorate: Biodiversity and Conservation</p>	<p>Ms M Rabothata / Mr K Mathetja</p>	<p>In a letter dated 03 February 2023, the following comments were received on the Draft SR:</p> <p>COMMENTS ON THE DRAFT SCOPING REPORTS FOR PROPOSED MAFADI SOLAR POWER PLANT, NEAR LOUIS TRICHARDT, IN THE LIMPOPO PROVINCE</p> <p>The Directorate: Biodiversity Conservation has reviewed and evaluated the reports and does not have any objection to the Scoping Report and the Plan of Study, however, must comply with the procedures for the assessment and minimum criteria for reporting on identified environmental themes in terms of sections 24(5)(A) and (H) and 44 of the National Environmental Management Act, 1998.</p> <p>The final report must comply with all the requirements as outlined in the Environmental Impact Assessment (EIA) guideline for renewable energy projects and the Best Practice Guideline for Birds &amp; Solar Energy for assessing and monitoring the impact of solar energy facilities on birds in Southern Africa.</p> <p>In conclusion, the Public Participation Process documents related to Biodiversity EIA for review and queries should be submitted to the Directorate: Biodiversity Conservation at Email; BCAdmin@dfre.gov.za for the attention of Mr. Seoka Lekota.</p>	<p>The comments made by the DFFE: Biodiversity and Conservation is acknowledged. It is noted that there are no objections to the proposed project. The recommendations will be included in the EMPRs to be submitted with the Draft Environmental Impact Report, which will be made available to the DFFE: Biodiversity and Conservation for comment.</p> <p>The final Scoping report and plan of study complies with procedures for the assessment and minimum criteria for reporting on identified environmental themes in terms of sections 24(5)(A) and (H) and 44 of the National Environmental Management Act, 1998.</p> <p>The final reports will comply with all the requirements as outlined in the Environmental Impact Assessment (EIA) guideline for renewable energy projects and the Best Practice Guideline for Birds &amp; Solar Energy for assessing and monitoring the impact of solar energy facilities on birds in Southern Africa.</p> <p>The process for the submission of Public Participation Process Documents is noted.</p>
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I&AP	Donne Krause	<p>In an email dated 31 January 2023 the following comment was received:</p> <p>Dear Environamics, I would kindly like to request to be registered as an I&amp;AP on all renewable projects run by your team. Will this be possible?</p> <p>Thanks so much</p>	<p>Environamics has acknowledged the request and has added the I&amp;AP to the database.</p>
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